

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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**Allan Chiocca,**

**Plaintiff**

**v.**

**Civ. A. No.: 1:19-cv-10482-WGY**

**The Town of Rockland, Deirdre Hall,  
Edward Kimball, Larry Ryan,  
Michael Mullen Jr., Michael O'Loughlin,  
Richard Penney, and Kara Nyman**

**Defendants**

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**PLAINTIFF/COUNTERCLAIM DEFENDANT ALLAN CHIOCCA'S  
MOTION FOR LEAVE TO FILE A SUPPLEMENTAL REPLY MEMORANDUM  
IN CONNECTION WITH CASE STATED HEARING**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rules 56.1 and 7.1, Plaintiff and Counterclaim Defendant Allan Chiocca submits this Motion for Leave to File a Supplemental Reply in Support of his Motion for Summary Judgment on Defendant/Counterclaim Plaintiff Deidre Hall's counterclaims and Defendant/Counterclaim Plaintiff Edward Kimball's counterclaim. This motion is based solely on the recent deposition testimony and document production of Casey Sherman that was not available when the motions for summary judgment were filed. Mr. Sherman's testimony and evidence is directly relevant to issues that will be determined at the upcoming Case Stated Hearing on May 23, 2022.

Plaintiff/Counterclaim Defendant attaches hereto: (1) a Memorandum of Law and (2) a Declaration of Samantha C. Halem in Support the Motion with Exhibits.

The undersigned counsel for Counterclaim Defendant Allan Chiocca hereby certifies that on Friday, May 13, 2022, she sent an e-mail to all relevant parties' counsel seeking to confer regarding this Motion for Leave. Counsel for Counterclaim Plaintiffs responded saying that they would be available to meet either on Monday or Tuesday. Chiocca's counsel then sent another e-mail on May 14<sup>th</sup> inquiring about what issues they wished to discuss regarding the Motion for Leave and offering to confer initially via e-mail. No counsel responded. On May 16<sup>th</sup>, Chiocca's counsel sent another e-mail stating that she would be available almost all day on May 17<sup>th</sup> to meet and confer and asking opposing counsel to pick a convenient time. No party responded to this e-mail. Accordingly, Chiocca's counsel attempted in good faith to resolve whether Counterclaim Plaintiffs would assent to this motion and received no response.

WHEREFORE, Plaintiff/Counterclaim Defendant respectfully requests that this Court grant Plaintiff/Counterclaim Defendant leave to file such supplemental reply, as appended hereto, in furtherance of clarifying and resolving issues at the upcoming hearing.

Respectfully Submitted,

**ALLAN CHIOCCA,**

By his attorneys,

/s/ Samantha C. Halem

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Dated: May 18, 2022

**CERTIFICATE OF SERVICE**

I, Samantha C. Halem, do hereby certify that this document filed through the ECF system shall be sent electronically to the registered participants as identified on the Notice of Electronic Filing on May 18, 2022.

/s/ Samantha C. Halem

Samantha C. Halem